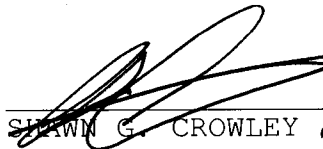




ORIGINAL

Approved:

    
SHAWN G. CROWLEY REBEKAH DONALESKI / GEORGE D. TURNER  
Assistant United States Attorneys

Before: HONORABLE KATHARINE H. PARKER  
United States Magistrate Judge  
Southern District of New York

17 MAG 9200

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UNITED STATES OF AMERICA :

**COMPLAINT**

- v. - :

AKAYED ULLAH, :

Defendant. :

Violations of  
18 U.S.C. §§ 2339B,  
2332a, 2332f, 844(i),  
924(c) & 2

COUNTY OF OFFENSE:  
NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH D. CERCIELLO, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and a member of the Federal Bureau of Investigation's New York Joint Terrorism Task Force ("JTTF"), and charges as follows:

**COUNT ONE**

**(Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)**

1. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services and personnel (including himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and al-Sham ("ISIS"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIS engages and has engaged in terrorist activity (as defined in

section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B(a)(1), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, ULLAH detonated and attempted to detonate an improvised explosive device in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 2339B and 2.)

**COUNT TWO**

**(Use of Weapons of Mass Destruction)**

2. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, acting without lawful authority, did use and attempt to use weapons of mass destruction – namely, destructive devices as defined by 18 U.S.C. § 921 – against persons and property within the United States, and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, (ii) such property was used in an activity that affects interstate and foreign commerce, (iii) the perpetrator traveled in interstate and foreign commerce in furtherance of the offense, and (iv) the offense and the results of the offense affected interstate and foreign commerce, to wit, ULLAH detonated and attempted to detonate an improvised explosive device in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(A),  
(a)(2)(B), (a)(3)(C), (a)(2)(D) and 2.)

**COUNT THREE**

**(Bombing a Place of Public Use)**

3. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, did knowingly and unlawfully deliver, place, discharge, and detonate an explosive and other lethal device in, into, and against a place of public use, and did attempt to do the same, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place, and where such destruction was likely to result in major economic loss, and the offense was committed in an attempt to compel the United States to do and abstain from doing any act, to wit, ULLAH detonated and

attempted to detonate an improvised explosive device in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 2332f(a)(1)(A),  
(a)(1)(B), (b)(1)(F) and 2.)

**COUNT FOUR**

**(Destruction of Property by Means of Fire or Explosive)**

4. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, willfully and knowingly did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce, and in any activity affecting interstate and foreign commerce, to wit, ULLAH detonated and attempted to detonate an improvised explosive device in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 844(i) and 2.)

**COUNT FIVE**

**(Use of a Destructive Device During and  
in Furtherance of a Crime of Violence)**

5. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the offense charged in Counts One, Two, Three, and Four of this Complaint, willfully and knowingly did use and carry a destructive device, to wit, an improvised explosive device, inside a subway terminal in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Section 924(c)(1)(A) and (B)(ii).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

6. I am a Special Agent with HSI and a member of the FBI's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit

is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### **Background on ISIS**

7. Based on my training, experience, and review of publicly available materials, I understand the following:

a. On October 15, 2004, the U.S. Secretary of State designated al Qaeda in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the INA and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham ("ISIS" – which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of its name to the Islamic State. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

b. The U.S. State Department has reported that, among other things, ISIS has committed systematic abuses of human rights and violations of international law, including indiscriminate killing and deliberate targeting of civilians, mass executions and extrajudicial killings, persecution of individuals and communities on the basis of their religion, nationality, or ethnicity, kidnapping of civilians, forced displacement of Shia communities and minority groups, killing and maiming of children, rape, and other forms of sexual violence. According to the State Department, ISIS has recruited thousands of foreign fighters from across the globe to assist with its efforts to expand its so-called caliphate in Iraq, Syria, and other locations in Africa and the Middle East, and has leveraged technology to spread its violent extremist ideology and for incitement to commit terrorist acts.



c. On or about September 21, 2014, now-deceased ISIS spokesperson Abu Muhammad al-Adnani called for attacks against citizens-civilian or military-of the countries participating in the United States-led coalition against ISIS.

8. Based on my training and experience, my personal participation in this and other investigations involving ISIS, and my conversations with other law enforcement agents who have been involved in ISIS-related investigations, I have learned the following:

a. To gain supporters, ISIS, like many other terrorist organizations, spreads its message using social media, Internet platforms, and email. Using these platforms, ISIS posts and circulates videos and updates of events in Syria, Iraq, and other ISIS-occupied areas, in English and Arabic, as well as other languages, to draw support to its cause.

b. ISIS has encouraged followers who are unable to travel to the Middle East to instead conduct attacks in other countries. For example, on or about March 31, 2015, the user of Twitter account @AbuHu55ain\_, believed to be used at the time by an ISIS member located in Syria, tweeted: "Lone Wolfs Rise Up"; "If you can't make the hijrah, dont sit at home & give up . . . ignite a bomb, stab a kaffir, or shoot a politican!"; "if you came here, you'd be on the frontline fighting, right? But u couldn't come here, so why not fight the kuffar over there?"; and "i always see in the media brothers getting caught making hijrah, brothers know that your jihad is not over just because you got stopped."<sup>1</sup>

c. ISIS has disseminated a wide variety of recruiting materials and propaganda through social media. These include photographs and videos depicting ISIS's activities, including beheadings and other atrocities, as well as audio and video lectures by members of ISIS and members of other Islamic extremist organizations.

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<sup>1</sup> Based on my training, experience, and participation in this investigation, I understand that "kaffir" and "kuffar" are Arabic terms generally meaning "disbelievers" (i.e., non-Muslims), and that "hijrah" (or "hijra") is an Arabic term normally used to refer to migration, but which is also used by ISIS supporters to refer to traveling to the Middle East to engage in jihad.

**The December 11, 2017 Attack**

9. Based on my participation in this investigation, conversations with other participants in the investigation, review of evidence obtained during the investigation, and review of reports prepared by others, I have learned, among other things, the following:

a. On or about December 11, 2017, at approximately 7:20 a.m., an improvised explosive device ("IED") detonated inside a subway terminal (the "Subway Terminal") in or around the New York Port Authority Bus Terminal located at West 42nd Street and Eighth Avenue in New York, New York (the "December 11 Attack").

b. Shortly after the blast, members of the Port Authority Police Department located an individual later identified as AKAYED ULLAH, the defendant, lying on the ground in the vicinity of the explosion.

c. ULLAH was subsequently taken into custody by law enforcement. During the course of ULLAH's arrest, law enforcement officers located on his person and in the surrounding area what appeared to be the components of an exploded pipe bomb (the "Pipe Bomb"). Specifically, law enforcement located, among other items, the following:

i. A nine-volt battery inside ULLAH's pants pocket;

ii. Wires connected to the battery and running underneath ULLAH's jacket;

iii. Two plastic zip ties underneath ULLAH's jacket;

iv. Several fragments of a metal pipe, including pieces of a metal end cap, on the ground;

v. The remnants of what appeared to be a Christmas tree lightbulb attached to wires;

vi. Wires and wire connectors;

vii. Metal screws; and

viii. Pieces of what appear to be plastic zip-ties.

10. I have reviewed surveillance footage dated December 11, 2017, obtained from closed circuit television ("CCTV") cameras inside the Subway Terminal. At approximately 7:18 a.m., the video depicts multiple individuals walking inside the Subway Terminal. Officers who later spoke with AKAYED ULLAH, the defendant, see *infra* Paragraph 11, identified one of those individuals as ULLAH. Seconds later, the footage shows what appears to be an explosion inside the Subway Terminal. After the explosion, ULLAH appears to fall to the ground. Screenshots from the video are depicted below. ULLAH is identified by the arrow in the first screenshot.





**The Defendant's Statements to Law Enforcement**

11. After AKAYED ULLAH, the defendant, was taken into law enforcement custody, he was transported to Bellevue Hospital. While he was at Bellevue Hospital, law enforcement officers interviewed ULLAH, who was read and waived his *Miranda* rights verbally and in writing. Based on my conversations with law enforcement officers who participated in that interview, I have learned that ULLAH stated, in substance and in part, and among other things, the following:

a. ULLAH constructed the Pipe Bomb and carried out the December 11 Attack.

b. ULLAH was inspired by ISIS to carry out the December 11 Attack. ULLAH stated, among other things, "I did it for the Islamic State."

c. ULLAH resides in a particular apartment in Brooklyn, New York (the "Residence"). ULLAH built the Pipe Bomb in the Residence approximately one week before carrying out the December 11 Attack. He began compiling the materials he used to



construct the Pipe Bomb approximately two to three weeks before carrying out the attack.

d. The Pipe Bomb was comprised of, among other things, a metal pipe, which ULLAH filled with explosive material that he created. ULLAH used Christmas tree lights, wiring, and a nine-volt battery to cause the detonation of the Pipe Bomb. ULLAH filled the Pipe Bomb with metal screws, which he believed would cause maximum damage. ULLAH used zip ties to secure the Pipe Bomb to his body.

e. ULLAH carried out the December 11 Attack in part because of the United States Government's policies in, among other places, the Middle East. One of ULLAH's goals in carrying out the December 11 Attack was to terrorize as many people as possible. He chose to carry out the attack on a workday because he believed that there would be more people.

f. ULLAH's radicalization began in at least approximately 2014. ULLAH viewed pro-ISIS materials online, including a video instructing, in substance, that if supporters of ISIS were unable to travel overseas to join ISIS, they should carry out attacks in their homelands. He began researching how to build IEDs on the Internet approximately one year ago.

g. On the morning of December 11, 2017, on the way to carrying out the December 11 Attack, ULLAH posted a statement on his Facebook account stating, "Trump you failed to protect your nation." Based on my training and experience, I understand ULLAH to have been referring to the current President of the United States. ULLAH also posted a statement that he believed would be understood by members and supporters of ISIS to convey that ULLAH carried out the attack in the name of ISIS.

#### **Items Recovered from the Defendant's Residence**

12. Based on my participation in this investigation, conversations with other participants in the investigation, review of evidence obtained during the investigation, and review of reports prepared by others, I have learned, among other things, that on or about December 11, 2017, law enforcement officers conducted a search of the Residence pursuant to a judicially authorized search warrant. In the course of the search, law enforcement recovered, among other items, the following:

a. Metal pipes;

b. Pieces of wire and fragments of what appear to be Christmas tree lights;

c. Multiple screws consistent with the screws recovered at the scene of the December 11 Attack (see *supra* Paragraph 9); and

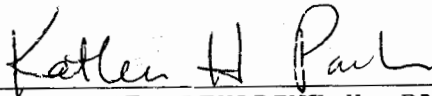
d. A passport in the name of AKAYED ULLAH, the defendant, with multiple handwritten notations, including: "O AMERICA, DIE IN YOUR RAGE."

WHEREFORE deponent prays that a warrant be issued for the arrest of AKAYED ULLAH, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



Special Agent Joseph D. Cerciello  
Homeland Security Investigations  
Joint Terrorism Task Force

Sworn to before me this  
12th day of December, 2017



HONORABLE KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK